

ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting

October 26, 2021

The Livingston Township Zoning Board of Adjustment met for its Conference and Regular Meeting by means of Zoom Webinar and a link to Facebook at 7:01 PM. Chairman Hochberg announced that proper notice had been given pursuant to the Open Public Meetings Act and guidance provided by the State's Division of Local Government Services. Ms. Fass called the Roll:

Present:	James Hochberg, Chairman	Absent:	Jackie Coombs-Hollis
	Anthony Nardone, Vice Chair (<i>Joined meeting at 7:22 PM</i>)		Planning Administrator
	Edward Bier		
	Lauren Tabak-Fass		
	Laurie Kahn		
	Jared Resnick (<i>Joined meeting at 7:11 PM</i>)		
	Pearl Hwang		
	Kalpesh Kenia		
	Ketan Bhuptani		
	Richard Vallario, Esq., Board Attorney		
	Catherine Maddrey, Planning Assistant		

Communications: None

Minutes: The minutes of September 28, 2021 was accepted as presented.

Old Business:

The Board voted unanimously in favor of memorializing the following Resolutions:

- 354 Beaufort Avenue; Application No. 2018-5-V (Amendment); Joseph & Stacy Moore / Todd Weinberger
- 45 West Lawn Road; Application No. 2021-51-V; Suzanne Fein
- *Amending Resolution:* 19 Midway Drive; Application No. 2021-48-V; Jon & Holly Anderson

New Business:

Variance (*Continued from August 24, 2021*)

Block 3703; Lot 3

2 Fredon Drive

Application No. 2021-36-V

Rajiv & Carrie Parikh

Applicant seeks approval for a shed in violation of the following Sections:

170-87E(1)(b) Accessory Building – 10' required; 8' proposed; 2' variance requested.

170-87E(1)(e) Accessory Building from Side Lot Line – 7' required; 2' proposed; 5' variance requested.

Rajiv & Carrie Parikh appeared and continued testimony based on the updated plans. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (shallow lot) upon a motion to approve made by Member Kenia and second by Member Fass. Member Resnick did not vote as he did not hear full testimony. Member Nardone was not present for this Application. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 4601; Lot 5
29 Wellington Road
Application No. 2021-56-V
Corey Stone

Applicant seeks approval for a 7'-5" x 12'-3" first floor addition in violation of the following Section:
170-99C3 Side Yard Setback – 10' required; 7.2' proposed; 2.8' variance requested.

Corey & Lauren Stone appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardship was reconfirmed (narrow lot) upon a motion to approve made by Member Bier and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 2602; Lot 16
15 Badger Drive
Application No. 2021-52-V
15 Badger Drive, LLC

The Applicant seeks approval to construct a new single family home in violation of the following Section:
170-87CC3 Habitable Floor Ratio – 21% allowed; 24.75% proposed; 3.75% variance requested.

Appearing for the Applicant: Dennis Francis, Esq. of Law Offices of Dennis J. Francis

Witness for the Applicant: Jose Carballo, AIA of JCA Architectural Group, P.C.

Members of the Public with Questions/Comments: None

After hearing testimony and reconfirming the hardship (narrow lot), a motion to approve was made by Member Nardone and second by Member Kenia. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

The Chairman changed the order of the agenda.

Variance
Block 4603; Lot 9
48 Lexington Drive
Application No. 2021-55V
Amanda Gold

Applicant seeks approval for a second story addition in front and rear of home in violation of the following Sections:
170-99C2 Front Yard Setback – 40' required; 33.1' proposed; 6.9' variance requested.
170-99C3 Left Side Yard Setback – 10' required; 7.9' proposed; 2.1' variance requested.

Amanda Gold (Applicant) and Jonathan Katz (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. The hardships were reconfirmed (narrow and undersized lot) upon a motion to approve made by Member Resnick and second by Member Nardone. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 4706; Lot 4
8 Village Drive
Application No. 2021-54-V
Elizabeth Weiss

Applicant seeks approval for a covered front porch in violation of the following Section:
170-3A(1) Front Yard Setback – 6’ encroachment allowed; 8’ proposed; 2’ variance requested.

Elizabeth Weiss (Applicant) and Christine Miseo (Architect) appeared and were sworn in to offer testimony. No members of the public appeared in support of or in objection to the application. A motion to approve the Application was made by Member Kenia and second by Member Nardone. The remaining members of the Board present and eligible voted in favor of the motion.

Variance
Block 301; Lot 20
87 West McClellan Avenue
Application No. 2021-53-V
Urja Patel

Applicant seeks approval to construct a new single family home and a retaining wall in violation of the following Sections:

170-97C2 Front Yard Setback – 60’ required; 50.4’ proposed; 9.6’ variance requested.
170-91(4)(b) Rear Yard Fence (Retaining Wall) – 6’ allowed; 11’ proposed; 5’ variance requested.
170-91(16) Retaining Wall – (Withdrawn)

Witnesses for the Applicant: Hayk Ekshian, AIA
Dave Fantina, P.E.
Urja Patel and Vipul Sodha (Applicants)

Members of the Public with Questions/Comments: Patrick Flaherty – 85 W McClellan Avenue
Robert Elliot – 89 W McClellan Avenue

Dave Fantina, P.E. testified that the Applicant was withdrawing the Retaining Wall Variance and would comply with the Zoning Ordinance.

After hearing testimony and the public’s concerns, the Board added a conditions of approval to include 8’-10’ green giant arborvitaes to be planted 5’-6’ apart to screen the wall for neighbors on both sides. A motion to approve was made by Member Hwang and second by Member Fass. The remaining members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

With no further business, the meeting adjourned at 9:05 PM.

Respectfully submitted,

Catherine Maddrey, Planning Assistant